

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19443 of 1997

Dated:14.2.2007

Between

1.IUMN Prasad

.....Petitioners

and

1. State of AP rep., by the
Secretary to Government, Food
& Agriculture Department,
Secretariat buildings, Hyderabad
and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19443 of 1997

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the proceedings No.SWC/E2/2807/96 dated 12.6.1997 and Memo No.SWC/E2/2807/96 dated 10.7.1997 of the 2nd respondent as arbitrary and illegal.

It appears that under the impugned order dated

12.6.1997, the

petitioners were reverted to the post of Technical Assistants Grade II in view of the orders passed by this Court in W.P.Nos.11872 of 1996 and W.P.No.15225 of 1996 dated 17.4.1997 and the salary and allowances payable to them were re-fixed. Therefore, it cannot be said that the impugned orders passed by the respondents are either illegal or without authority.

However, learned counsel for the petitioners states that though the reversion is consequent to the orders passed by this Court in the said writ petitions, the petitioners were initially promoted as Technical Assistant Grade-II as a matter of right. He further states that though the petitioners are sought to be reverted, the salaries in the promotion cadre may be directed not to be recovered from the date of promotion to Grade-I till the date of reversion. I am in full agreement with the submission made by the learned counsel for the petitioners. Since the petitioners were promoted in the existing vacancies, simply because they are reverted, the difference of wages paid during promotion period cannot be recovered.

Accordingly, the writ petition is disposed of directing the respondents not to recover any difference of wages paid to the petitioners from the date of promotion as Technical Assistant Grade-I till the date of reversion to the post of Technical Assistant Grade-II. No costs.

14-02-1007

rkk